



SHIRE OF
MERREDIN
INNOVATING THE WHEATBELT

MINUTES

Ordinary Council Meeting

Held in Council Chambers
Corner King and Barrack Street's, Merredin
Tuesday 19 February 2019



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19.1	Staff – Chief Executive Officer – Performance Appraisal 2018
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Common Acronyms Used in this Document	
CBP	Corporate Business Plan
CEACA	Central East Aged Care Alliance
CEO	Chief Executive Officer
CSP	Community Strategic Plan
CWVC	Central Wheatbelt Visitors Centre
DCEO	Deputy CEO
EA	Executive Assistant to CEO
EMCS	Executive Manager of Corporate Services
EMDS	Executive Manager of Development Services
EMES	Executive Manager of Engineering Services
GECZ	Great Eastern Country Zone
LGIS	Local Government Insurance Services
LPS	Local Planning Scheme
MCO	Media and Communications Officer
MoU	Memorandum of Understanding
MRCLC	Merredin Regional Community and Leisure Centre
SRP	Strategic Resource Plan
WALGA	Western Australian Local Government Association
WEROC	Wheatbelt East Regional Organisation of Councils

Shire of Merredin
Ordinary Council Meeting
Tuesday 19 February 2019



1. Official Opening

The President welcomed those in attendance and declared the meeting open at 3.01pm.

Item 8.1 was considered now but has been recorded in the order of the Agenda.

2. Record of Attendance / Apologies and Leave of Absence

Councillors:

Cr KA Hooper	President
Cr MD Willis	Deputy President
Cr BJ Anderson	
Cr LN Boehme	
Cr AR Butler	
Cr RM Crees	
Cr MA Crisafio	
Cr JR Flockart	
Cr PR Patroni	

Staff

G Powell	CEO (until 3.38pm)
K Bartley	DCEO (until 3.38pm)
C Brown	EMCS (from 3.21pm to 3.28pm)
M Hudson	EMES (until 3.17pm)
V Green	EA to CEO (until 3.38pm)

Members of the Public: Miss Esther Robartson, Mrs Meg Gethin plus 17 others (until 3.11pm)

Apologies: Nil

Approved Leave of Absence: Nil

3. Public Question Time

Nil

3.12pm – Councillor Crisafio left the meeting.

4. Disclosure of Interest

Councillor Flockart declared an Impartiality Interest in Item 14.7.

Councillors Butler and Patroni declared an Impartiality Interest in Item 15.1

G Powell, CEO, declared a Direct Financial Interest in Item 19.1.

5. Applications for Leave of Absence

Nil

6. Petitions and Presentations

Nil

7. Confirmation of Minutes of the Previous Meetings

7.1 Ordinary Council Meeting held on 22 January 2019

[Attachment 7.1A](#)

Voting Requirements

Simple Majority

Absolute Majority

Officer's Recommendation / Resolution

Moved: Cr Patroni

Seconded: Cr Flockart

81302 That the Minutes of the Ordinary Council Meeting held on 22 January 2019 be confirmed as a true and accurate record of proceedings.

3.13pm – Councillor Crisafio entered the meeting.

CARRIED 9/0

8. Announcements by the Person Presiding without discussion

8.1 Presentation of the Awards for Citizen of the Year and Senior Citizen of the Year.

The President presented these awards to Mrs Meg Gethin and Miss Esther Robartson with the following speech:

Today we honour the recipients of the Citizen of the Year Award and the Senior Citizen of the Year Award. We received numerous nominations for these awards and we thank the community for nominating.

The winners have been chosen due to their level of community engagement and significant contribution to the local community. Their demonstrated leadership and significant initiative has brought about positive change and added value to community life and shows inspiring qualities as role models for the community.

The winners have been brilliant achievers and are driven to succeed by a determination to help their fellow Australians and make Australia an even better, brighter place in which to realise your dreams. Our winners share

the spirit of patience and persistence. You remind us that we are at our best when we work together to help others.

I'm pleased to present the 2019 Citizen of the Year award to Michelle Gethin. Michelle has contributed to the Merredin community through a wide means, particularly her involvement with numerous volunteer groups.

These include her role as: Secretary of the Merredin Districts Lawn Tennis Club, Committee Member of the Merredin Districts Lawn Tennis Club, President of the St Mary's P&C, her organisation of the Merredin Little Athletics Group, Hotshots Tennis Coaching, her contributions to the local Phoenix newsletter as well as being the Chair and Board Member of the Agricultural Women Wheatbelt East Group.

Through her many volunteer roles in many groups and organisations, Michelle organises and coordinates activities that benefit the community through sports, arts and education.

Congratulations Michelle.

I am also pleased to present the 2019 Senior Citizen of the Year Award to Esther Robartson. A retired school teacher of 40 years, Esther has held many community positions. Esther is President of the Merredin Seniors Centre, Deputy President of the Merredin Churches Fraternal, organises the 'Tales of Times Past' senior storytelling group, teaches piano and provides tutoring. She also holds a senior position in the Seventh Day Adventist Church.

Esther spends quality time with residents at the Merrittville Retirement Village and provides free morning tea for residents at Berringa Frail Lodge.

Congratulations Esther.

3.11pm - Miss Robartson, Mrs Gethin and members of the public left the meeting and did not return.

9.	Matters for which the Meeting may be closed to the public
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19.1	Staff – Chief Executive Officer – Performance Appraisal 2018 Refer to Page 47 for the resolution of this Item.
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10.	Receipt of Minutes of Committee Meetings
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Nil

11.	Recommendations from Committee Meetings for Council consideration
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Nil

12. Officer's Reports - Development Services

Nil items to report.

13. Officer's Reports - Engineering Services

13.1 Award of eQuotes Request For Quotation VP135718 – 2018/19 Asphalt Program

<h2>Engineering Services</h2>		 SHIRE OF MERREDIN INNOVATING THE WHEATBELT
Responsible Officer:	Mike Hudson, EMES	
Authors:	As above	
Legislation:	<i>Local Government Act 1995; Local Government (Functions and General) Regulations 1996</i>	
File Reference:	Tender Register	
Disclosure of Interest:	Nil	
Attachments:	Attachment 13.1A – eQuotes Evaluation (Confidential)	

Purpose of Report

- Executive Decision Legislative Requirement

Background

This item seeks Council approval to engage a supplier determined as best value for money through a Request for Quotation (RFQ) process for the supply and installation of asphalt sealing works for the 2018/19 Asphalt Program.

In accordance with Policy 3.12 – Purchasing Policy and Regulation 11(2)(f) of the *Local Government (Functions and General) Regulations 1996*, this purchase can be made via WALGA’s Preferred Supplier Arrangements (PSA), which is exempted from public tender process.

The tendering process has been initiated via WALGA’s PSA eQuotes system in accordance with “Using a Tender Exempt Panel of Pre-Qualified Suppliers” guidelines within the Policy 3.12 – Purchasing Policy and the *Local Government (Function and General) Regulations 1996*.

The value of the purchase is in excess of the CEOs delegation limit and requires a resolution of Council to progress the purchase.

A RFQ, being Reference Number: VP135718 - Shire of Merredin 2018/19 Asphalt Program, was issued via eQuotes on 1 February 2019. The RFQ utilised selection criteria set out under the category of Road Building Contractors, Materials and Related Services – Asphalt Supply and Services.

The following suppliers were requested to provide quotations:

1. Roads 2000 PTY LTD;
2. J & M Asphalt PTY LTD;
3. AAA Asphalt Surfaces;
4. Kee Surfacing;
5. Downer Infrastructure – Australia West; and
6. Asphaltech PTY LTD.

The RFQ submissions closed on 11 February 2019 and four suppliers submitted a quotation in accordance with the RFQ.

Comment

The evaluation of the submissions was conducted in accordance with Policy 3.12 – Purchasing Policy and incorporated the “value for money assessment accounting for the whole of life cost, technical requirements and service delivery”.

The evaluation of the submissions was undertaken by the EMES and Construction Supervisor. The evaluation spreadsheet is included as a confidential Attachment.

During the evaluation, the following was noted:

1. all suppliers are WALGA Preferred Suppliers and have been assessed and determined capable of delivering a conforming result;
2. Supplier 2’s price is the cheapest of the preferred suppliers and offers the best value for money when the principles of value for money are applied;
3. Supplier 2 has previously undertaken asphaltting works within the Shire of Merredin; and
4. Supplier 2 has a proven track record with service and backup support.

After evaluation of the submissions, in accordance with Council policies, it is recommended that Council award the supply and installation of asphalt for the 2018/19 Asphalt Program for the budgeted amount of \$231,617 (ex GST).

The consultation of this process has been undertaken with the EMES, Construction Supervisor, EMCS and CEO.

Policy Implications

Policy 3.12 – Purchasing Policy applies.

This Policy outlines how the Shire will deliver best practice in the purchasing of goods, services and works that align with the principles of transparency, probity and good governance whereby establishing efficient, effective, economical and sustainable procedures in all purchasing activities. This Policy was used to undertake the procurement process via WALGA eQuotes. This policy also establishes the evaluation criteria for Council procurement.

Delegation DL4.1 - Tenders has been followed in the purchasing process and as such requires a Council decision to accept a tender above \$150,000.

Statutory Implications

This procurement process has been completed in accordance with Section 3.75 of the *Local Government Act 1995* and Regulation 11(2)(f) of the *Local Government (Functions and General) Regulations 1996*.

Strategic Implications

➤ Strategic Community Plan

Zone: Zone 6 – Transport and Networks
Zone Statement: Merredin provides transport networks that connect it locally, nationally and internationally
Key Priority: 6.1 – Developing and maintaining a road hierarchy and providing an appropriate level of service for the road network

➤ Corporate Business Plan

Key Action: 6.1.2 – Advocate for improved road infrastructure networks across the region
Directorate: Engineering Services
Timeline: 2018/19

Sustainability Implications

➤ Strategic Resource Plan

Nil

➤ Workforce Plan

Directorate: Nil
Activity: Nil
Current Staff: Nil
Focus Area: Nil
Strategy Code: Nil
Strategy: Nil
Implications: Nil

Risk Implications

Adoption of this item has been evaluated against the Shire of Merredin's Risk Management Policy 3.24 - Risk Matrix. The perceived level of risk is considered to be low and can be managed by the routine procedures.

Financial Implications

Council has set aside funds in the 2018/19 Budget and this is identified in the Capital Expenditure Program. The expense codes for this purchase is COA E121100 - Roads to Recovery Construction and E121200 - Regional Road Group Construction in the amount of \$1,029,002.

Voting Requirements

Simple Majority

Absolute Majority

Officer's Recommendation / Resolution


Moved: Cr Crisafio

Seconded: Cr Boehme

82303 That Request For Quotation VP135718 - Shire of Merredin 2018/19 Asphalt Program be awarded to J & M Asphalt PTY LTD for the budgeted sum of \$231,617 (ex GST).

CARRIED 9/0

13.2 Award of eQuotes Request for Quotation VP135698 – 2018/19 Spray Seal Program

<h2>Engineering Services</h2>		
Responsible Officer:	Mike Hudson, EMES	
Authors:	As above	
Legislation:	<i>Local Government Act 1995; Local Government (Functions and General) Regulations 1996</i>	
File Reference:	Tender Register	
Disclosure of Interest:	Nil	
Attachments:	Attachment 13.2A – eQuotes Evaluation (Confidential)	

Purpose of Report

- Executive Decision Legislative Requirement

Background

This item seeks Council approval to engage a supplier determined as best value for money through a Request for Quotation (RFQ) process for the supply and application of spray seal works for the 2018/19 Spray Seal Program.

In accordance with Policy 3.12 – Purchasing Policy and Regulation 11(2)(f) of the *Local Government (Functions and General) Regulations 1996*, this purchase can be made via WALGA’s Preferred Supplier Arrangements (PSA), which is exempted from public tender process.

The tendering process has been initiated via WALGA’s PSA eQuotes system in accordance with “Using a Tender Exempt Panel of Pre-Qualified Suppliers” guidelines within the Policy 3.12 – Purchasing Policy and the *Local Government (Function and General) Regulations 1996*.

The value of the purchase is in excess of the CEOs delegation limit and requires a resolution of Council to progress the purchase.

A RFQ, being Reference Number: VP135698 - Shire of Merredin 2018/19 Spray Seal Program, was issued via eQuotes on 1 February 2019. The RFQ utilised selection criteria set out under the category of Road Building Contractors, Materials and Related Services – Spray Seal Supply and Services.

The following WALGA preferred suppliers were requested to provide quotations:

1. Bitumen Surfacing;
2. Bitutek PTY LTD;
3. Colas Western Australia;
4. Downer Infrastructure – Australia West; and
5. Kee Surfacing.

The RFQ submissions closed on 11 February 2019 and two suppliers submitted a quotation in accordance with the RFQ.

Comment

The evaluation of the submissions was conducted in accordance with the purchasing policy and incorporated the “value for money assessment accounting for the whole of life cost, technical requirements and service delivery”.

The evaluation of the submissions was undertaken by the EMES and Construction Supervisor. The evaluation spreadsheet is included as a confidential Attachment.

During the evaluation, the following was noted:

1. all suppliers are WALGA Preferred Suppliers and have been assessed and determined as capable of delivering a conforming result;
2. Supplier 2’s price is the cheapest of the preferred suppliers and offers the best value for money when the principles of value for money are applied;
3. Supplier 2 has previously undertaken spray seal works; and
4. Supplier 2 has a proven track record with service and backup support.

After evaluation of the submissions, in accordance with Council policies, it is recommended that Council award the supply and application of spray seal for the 2018/19 Spray Seal Program for the budgeted amount of \$580,332 (ex GST).

The consultation of this process has been undertaken with the EMES, Construction Supervisor, EMCS and CEO.

Policy Implications

Policy 3.12 – Purchasing Policy applies.

This Policy outlines how the Shire will deliver best practice in the purchasing of goods, services and works that align with the principles of transparency, probity and good governance whereby establishing efficient, effective, economical and sustainable procedures in all purchasing activities. This Policy was used to undertake the procurement process via WALGA eQuotes. This policy also establishes the evaluation criteria for Council procurement.

Delegation DL4.1 – Tenders has been followed in the purchasing process and as such requires a Council decision to accept a tender above \$150,000.

Statutory Implications

This procurement process has been completed in accordance with Section 3.75 of the *Local Government Act 1995* and the Regulation 11(2)(f) of the *Local Government (Functions and General) Regulations 1996*.

Strategic Implications

➤ Strategic Community Plan

Zone: Zone 6 – Transport and Networks
Zone Statement: Merredin provides transport networks that connect it locally, nationally and internationally
Key Priority: 6.1 – Developing and maintaining a road hierarchy and providing an appropriate level of service for the road network

➤ Corporate Business Plan

Key Action: 6.1.2 – Advocate for improved road infrastructure networks across the region
Directorate: Engineering Services
Timeline: 2018/19

Sustainability Implications

➤ Strategic Resource Plan

Nil

➤ Workforce Plan

Directorate: Nil
Activity: Nil
Current Staff: Nil
Focus Area: Nil
Strategy Code: Nil
Strategy: Nil
Implications: Nil

Risk Implications

Adoption of this item has been evaluated against the Shire of Merredin's Risk Management Policy 3.24 - Risk Matrix. The perceived level of risk is considered to be low and can be managed by the routine procedures.

Financial Implications

Council has set aside funds in the 2018/19 Budget and this is identified in the Capital Expenditure Program. The expense codes for this purchase are COA *E121100* - Roads to Recovery and *E121200* - Regional Road Group Construction, in the amount of \$1,029,002.

Voting Requirements

Simple Majority

Absolute Majority

Officer's Recommendation / Resolution

Moved: Cr Flockart

Seconded: Cr Willis

82304 That Request for Quotation VP135698 - Shire of Merredin 2018/19 Spray Seal Program be awarded to Bitutek PTY LTD for the budgeted sum of \$580,332 (ex GST).

CARRIED 9/0

3.17pm – M Hudson, EMES, left the meeting and did not return.

14. Officers Reports – Corporate and Community Services

14.1 List of Accounts Paid

<h2>Corporate Services</h2>		
Responsible Officer:	Charlie Brown, EMCS	
Author:	As above	
Legislation:	<i>Local Government Act 1995; Local Government (Financial Management) Regulations 1996</i>	
File Reference:	Nil	
Disclosure of Interest:	Nil	
Attachments:	Attachment 14.1A - List of Accounts Paid	

Purpose of Report

- Executive Decision
 Legislative Requirement

Background

The attached List of Accounts Paid during the month of January 2019 under Delegated Authority is provided for Council’s information.

Comment

Nil

Policy Implications

As outlined in the *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996*.

Statutory Implications

As outlined in the *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996*.

Strategic Implications

Strategic Community Plan

Zone: Zone 4 – Communication and Leadership
 Zone Statement: Merredin Council engages with its community and leads by example

Key Priority: 4.1 – Ensuring all planning, reporting and resourcing is in accordance with best practice, compliance and statutory requirements

Corporate Business Plan

Key Action: 4.1.1 – Continue to update the Integrated Planning Framework, meet statutory requirements of the Local Government Act and regulations and regulatory obligations required under other regulations

Directorate: Corporate Services

Timeline: Ongoing

Sustainability Implications

Strategic Resource Plan

Nil

Workforce Plan

Directorate: Nil

Activity: Nil

Current Staff: Nil

Focus Area: Nil

Strategy Code: Nil

Strategy: Nil

Implications: Nil

Risk Implications

Council would be contravening the *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996* if this item was not presented to Council.

Financial Implications

All liabilities settled have been in accordance with the Annual Budget provisions.

Voting Requirements

Simple Majority

Absolute Majority

Officer's Recommendation / Resolution

Moved: Cr Boehme

Seconded: Cr Flockart

82305 That the schedule of accounts paid as listed covering cheques, electronic funds transfers, bank charges, directly debited payments and wages, as numbered and totalling \$580,071.28 from Council's Municipal Fund Bank Account and \$0.00 from Council's Trust Account, be endorsed.

CARRIED 9/0

14.2 Statement of Financial Activity

<h2>Corporate Services</h2>		
Responsible Officer:	Charlie Brown, EMCS	
Author:	As above	
Legislation:	<i>Local Government Act 1995; Local Government (Financial Management) Regulations 1996</i>	
File Reference:	Nil	
Disclosure of Interest:	Nil	
Attachments:	Attachment 14.2A - Statement of Financial Activity	

Purpose of Report

- Executive Decision
 Legislative Requirement

Background

The Statement of Financial Activity, which includes the Detailed Schedules, Statement of Financial Position, Current Ratios and Investment Register, are attached for Council’s information.

Comment

Operating Income and Expenditure is consistent with Council’s YTD Budget with Operating Income 1% down up budget estimates and Expenditure showing a 0% variance.

As can be seen on page 3 the Adjusted Net Current asset position is consistent with the same period last year.

Explanations at Program level, where possible, is held at Note 2, however a detailed listing can be seen in the Attachment. The 2018/19 Budget Review, if adopted, will correct some of the variations with Individual programs (Refer Item 14.3).

Capital Expenditure

A detailed look at capital expenditure can be found in Note 13.

Policy Implications

Nil

Statutory Implications

As outlined in the *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996*.

Strategic Implications

Strategic Community Plan

Zone: Zone 4 – Communication and Leadership
Zone Statement: Merredin Council engages with its community and leads by example
Key Priority: 4.1 – Ensuring all planning, reporting and resourcing is in accordance with best practice, compliance and statutory requirements

Corporate Business Plan

Key Action: 4.1.1 – Continue to update the Integrated Planning Framework, meet statutory requirements of the Local Government Act and regulations and regulatory obligations required under other regulations
Directorate: Corporate Services
Timeline: Ongoing

Sustainability Implications

Strategic Resource Plan

Compliance with the *Local Government (Administration) Regulations 1996* and to give Council some direction in regards to its management of finance over an extended period of time.

Workforce Plan

Directorate: Nil
Activity: Nil
Current Staff: Nil
Focus Area: Nil
Strategy Code: Nil
Strategy: Nil
Implications: Nil

Risk Implications

The Financial Activity Report is presented monthly, providing a retrospective picture of Shire activities. Contained within the report is information pertaining to the financial cost and delivery of strategic initiatives and key projects.

In order to mitigate the risk of budget over-runs or non-delivery of projects, the CEO has implemented internal control measures such as regular Council and management reporting and a quarterly process to monitor financial performance against budget estimates.

Materiality reporting thresholds have been established at half the adopted Council levels, which equate to \$10,000 for operating budget line items and \$10,000 for capital items, to alert management prior to there being irreversible impacts.

It should also be noted that there is an inherent level of risk of misrepresentation of the financials through either human error or potential fraud. The establishment of control measures through a series of efficient systems, policies and procedures, which fall under the responsibility of the CEO as laid out in Regulation 5 of the *Local Government (Financial Management Regulations) 1996*, seek to mitigate the possibility of this occurring. These controls are set in place to provide daily, weekly and monthly checks to ensure that the integrity of the data provided is reasonably assured.

Financial Implications

The adoption of the Monthly Financial Report is retrospective. Accordingly, the financial implications associated with adopting the Report are nil.

Voting Requirements

Simple Majority

Absolute Majority

Officer's Recommendation / Resolution

Moved: Cr Flockart

Seconded: Cr Patroni

82306 That in accordance with Regulation 34 of the *Local Government (Financial Management) Regulations 1996*, the Statement of Financial Activity and the Investment Report for the period ending 31 January 2019 be received.

3.20pm – K Bartley, DCEO, left the meeting.

3.21pm – K Bartley, DCEO, and C Brown, EMCS, entered the meeting.

CARRIED BY ABSOLUTE MAJORITY 9/0

14.3 2018/19 Budget Review

Corporate Services



Responsible Officer:	Charlie Brown, EMCS
Author:	As above
Legislation:	<i>Local Government Act 1995; Local Government (Financial Management) Regulations 1996</i>
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Attachment 14.3A – Budget Variations

Purpose of Report

Executive Decision

Legislative Requirement

Background

Regulation 33A of the *Local Government (Financial Management) Regulations 1996* provides that the Shire is required to conduct a review of its approved annual budget after considering the changes in its operating environment since the beginning of the financial year with a view to forecasting the financial impacts likely to arise for the remainder of the year.

Comment

Council is required to consider the budget review submitted to it (Regulation 33A of the *Local Government (Financial Management) Regulations 1996*) and make a determination in relation to the outcomes and recommendations.

This report presents the statutory Budget Review of the 2018/19 Budget. A number of budget variations are proposed as part of this review, which result in an overall favourable change in projected net current assets of \$94,705.

The proposed changes are identified in the Attachment.

DETAILS

Issues and options considered

The budget review has comprised:

1. a review of the adopted budget and an assessment of actual results to date against that budget;

2. an assessment and projection of likely results over the remainder of the financial year against the adopted budget; and
3. consideration of any issues not provided for in the adopted budget that may need to be addressed.

The review of the adopted budget has taken into account what has transpired in the first half of the year, the likely operating environment over the remaining part of the year under prevailing economic conditions and the most likely impact on the Council's financial position.

The focus in this review has been on ensuring that there is sufficient operational capacity to deliver the services and budget programs as set out in the adopted 2018/19 Budget, and to accommodate events and issues that have arisen since budget adoption.

The most significant variations between the original adopted budget and the revised budget are as follows:

Surplus Brought Forward

The actual surplus brought forward from 2018/19 was lower than the budget estimate by \$8,262.

Operating Income and Expenditure

Various amendments have been proposed as detailed in the Attachment.

Transfers to Reserves

No further transfers have been proposed at this stage, other than the "Sale of Land" to the Land and Development Reserve Fund and transfer of CEACA funding.

Policy Implications

As outlined in the *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996*.

Statutory Implications

As outlined in the *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996*.

Strategic Implications

Strategic Community Plan

Zone: Zone 4 – Communication and Leadership
Zone Statement: Merredin Council engages with its community and leads by example
Key Priority: 4.1 – Ensuring all planning, reporting and resourcing is in accordance with best practice, compliance and statutory requirements

Corporate Business Plan

Key Action: 4.1.1 – Continue to update the Integrated Planning Framework, meet statutory requirements of the Local Government Act and regulations and regulatory obligations required under other regulations

Directorate: Corporate Services

Timeline: Ongoing

Sustainability Implications

➤ Strategic Resource Plan

Nil

➤ Workforce Plan

Directorate: Nil

Activity: Nil

Current Staff: Nil

Focus Area: Nil

Strategy Code: Nil

Strategy: Nil

Implications: Nil

Risk Implications

Compliance with the *Local Government (Administration) Regulations 1996* and to also give Council some direction in regards to its management of finance over an extended period of time.

Financial Implications

As presented in the Attachment.

Voting Requirements

Simple Majority

Absolute Majority

Officer's Recommendation / Resolution

Moved: Cr Willis

Seconded: Cr Butler

82307 That:

1. the Mid-Year Review of the 2018/19 Budget be endorsed and the amendments, as presented in Attachment 14.3A, be authorised; and
2. in accordance with Regulation 33A of the *Local Government (Financial Management) Regulations 1996* a copy of the 2018/19 Budget Review and Determination be provided to the Department of Local Government, Sport and Cultural Industries.

CARRIED BY ABSOLUTE MAJORITY 9/0

3.28pm - C Brown, EMCS, left the meeting and did not return.

14.4 Policy Manual Review – Policy 3.12 - Purchasing Policy and Proposed Delegation DL4.8 - Payments from the Municipal or Trust Funds

<h2>Corporate Services</h2>		
Responsible Officer:	Charlie Brown, EMCS	
Author:	Charlie Brown, EMCS; Kellie Bartley, DCEO	
Legislation:	<i>Local Government Act 1995; Local Government (Financial Management) Regulations 1996</i>	
File Reference:	Nil	
Disclosure of Interest:	Nil	
Attachments:	<p><u>Attachment 14.4A</u> – Policy 3.12 - Purchasing Policy (Current)</p> <p><u>Attachment 14.4B</u> – Policy 3.12 - Purchasing Policy (Amended)</p> <p><u>Attachment 14.4C</u> – Proposed Delegation – DL4.8 Payments from the Municipal or Trust Funds</p>	

Purpose of Report

- Executive Decision Legislative Requirement

Background

Policy 3.12 – Purchasing Policy was presented to Council’s January 2019 Meeting. The presentation of this policy achieve the minor changes to the threshold but it was noted with regards to exceptions.

This policy is now presented with a delegation for consideration to allow greater flexibility in our current practices whilst still conforming with legislation and aligns with this policy.

Comment

The amendment presented in January 2019 related to purchases that are in contravention of the policy. On advice from Moore Stephens, it was considered that where purchases are not in accordance with the policy, these purchases be brought to Council’s attention for noting in the form of a monthly agenda item.

After consultation with the Senior Management Group and the engagement and presentation with Councillors, it was presented with a proposed delegation – DL4.8 – Payments from the Municipal or Trust Funds.

The conditions of the delegation allows requisition(s) and/or purchase order(s) to be recorded within Council's Attain system. This will be reported to Council on a monthly basis.

The legislative framework advises that incurring a liability is a procedural matter subject to the CEO's authorisation, and making payments can be expressed as a statutory power which is capable of being delegated.

It is a requirement under Regulation 5 of the *Local Government (Financial Management) Regulations 1996*, that the CEO is to have efficient systems and procedures to be established for the local government.

The delegation will further expand this Regulation and assist the purchasing variations that occasionally occur, as well as assisting staff to continue the outcomes to achieve the efficiencies of service to our community and Council.

Policy Implications

An update of Policy 3.12 – Purchasing Policy is required and the proposed delegation and sub delegation to be incorporated in the Delegations Register.

Statutory Implications

Local Government Act 1995 – Section 2.7(2)(b) Role of Council.

A key role of Council is to determine the local government's policies.

Local Government Act 1995 – Section 5.42 Delegation of some powers and duties to CEO.

In order for the CEO to carry out the duties and tasks contained within the policy, appropriate delegations need to be in place.

Local Government (Financial Management) Regulations 1996 – Regulations 5 and 11.

Strategic Implications

➤ Strategic Community Plan

Zone: Zone 4 – Communication and Leadership

Zone Statement: Merredin Council engages with its community and leads by example

Key Priority: 4.1 – Ensuring all planning, reporting and resourcing is in accordance with best practice, compliance and statutory requirements

➤ Corporate Business Plan

Key Action: 4.1.1 – Continue to update the Integrated Planning Framework, meet statutory requirements of the Local Government Act and regulations and regulatory obligations required under other regulations

Directorate: Corporate Services

Timeline: Ongoing

Sustainability Implications

➤ Strategic Resource Plan

Nil

➤ Workforce Plan

Directorate: Nil
Activity: Nil
Current Staff: Nil
Focus Area: Nil
Strategy Code: Nil
Strategy: Nil
Implications: Nil

Risk Implications

Council would be going against a recommendation of the Auditor General if it did not consider this agenda item.

Financial Implications

Nil

Voting Requirements

Simple Majority

Absolute Majority

Officer's Recommendation

That:

1. the amended Policy 3.12 – Purchasing Policy, as presented in Attachment 14.4B, be adopted; and
2. Delegation DL4.8 – Payments from the Municipal or Trust Funds, as presented in Attachment 14.4C, be adopted.

Resolution

Moved: Cr Patroni


Seconded: Cr Butler

82308 That:

1. the amended Policy 3.12 – Purchasing Policy, as presented in Attachment 14.4B (and with typos corrected as identified), be adopted; and
2. Delegation DL4.8 – Payments from the Municipal or Trust Funds, as presented in Attachment 14.4C (and with typos corrected as identified), be adopted.

CARRIED BY ASBOLUTE MAJORITY 9/0

14.5 Policy Manual Review – Proposed Policy 3.29 – Fraud and Corruption Policy

<h2>Corporate Services</h2>		
Responsible Officer:	Charlie Brown, EMCS	
Author:	Charlie Brown, EMCS; Kellie Bartley, DCEO	
Legislation:	<i>Local Government Act 1995; Local Government (Rules of Conduct) Regulations 2007; Public Interest Disclosure Act 2003; Corruption, Crime and Misconduct Act 2003; Australian Standards for Fraud and Corruption Control (AS8001-2008)</i>	
File Reference:	Nil	
Disclosure of Interest:	Nil	
Attachments:	<p>Attachment 14.5A – Proposed Policy 3.29 – Fraud and Corruption Policy</p> <p>Attachment 14.5B – Fraud and Corruption Control Plan</p> <p>Attachment 14.5C – WALGA Integrity in Procurement (Self-audit Toolkit)</p>	

Purpose of Report

- Executive Decision Legislative Requirement

Background

A number of investigations into serious misconduct in local governments have been conducted by the Corruption and Crime Commission (CCC). These investigations identified that local governments may be exposed to misconduct risks related to procurement stemming from gaps in procurement governance arrangements. The CCC advised that an important aspect of any audit would be to examine whether governance gaps in local government exist and to help mitigate this risk by adopting a Fraud and Corruption Policy.

Comment

Recent investigations into the Shire of Dowerin emphasised and highlighted that local governments need to enhance their fraud control management. It is accepted that, as with other risk management arrangements, sound and effective fraud control requires commitment at all levels of an organisation to ensure fraud control strategies mature and become an accepted part of the day-to-day running of an organisation.

An effective policy on fraud should be succinct, clear and include:

1. the definition of fraud and an outline of the organisation's position on fraud;
2. an assurance that all allegations and investigations will be handled confidentially; and
3. directions about how allegations/incidents of fraud are to be managed.

The draft policy intentionally aligns fraud control with broader risk management practices, and recognises the importance of the subsequent strategies being embedded into the Shire's culture, routine internal processes and procedures. This will be achieved through the Fraud and Corruption Control Plan, which is based on the Australian Standard for Fraud and Corruption Control (AS8001:2008).

The draft policy has been developed and presented to Council its 5 February 2019 briefing session. Following consultation with Elected Members at the Council Briefing session, the Fraud and Corruption Policy will be progressively presented to the Audit Committee over the coming months for review, given its implications on the introduction of internal controls and relationship with the Shire's Risk Management Framework.

Key reasons why the Policy is needed

Most Councillors would be aware of the Shire of Dowerin incident, where policy and procedures were not in place (or disregarded) and ~\$500,000 was misappropriated.

There have been other investigations by both the CCC and the Department of Local Government where serious fraud or corruption has been exposed.

It may benefit Councillors to read the Halls Creek and Wiluna Reports.

The Fraud and Corruption Control Policy identifies the minimum requirements and responsibilities for the governance, prevention, detection, and the response to suspected fraud and corruption within Council.

The Policy tells why fraud and corruption control matters, what the organisations aims to achieve and who is responsible.

Ultimately, responsibility for implementing the Policy and the Plan, and deciding who will carry out which specified tasks to achieve the required outcomes is the responsibility of the CEO.

While the CEO may delegate some or all of the functions and responsibilities described, the CEO is still answerable to ensure fraud and corruption is identified and dealt with appropriately.

What the Policy covers

Detection and prevention of fraud or corruption.

Operational Needs

Making sure that staff have the appropriate training and that the internal controls and procedures are in place. Also making sure that when new employees commence the recruitment, induction and training meets the needs to reduce the risk of any fraud and/or corruption within the work place.

Staff should also recognise the risk i.e. health, financial impacts, service interruption, compliance, reputation, property or environmental risks and then have practices in place to mitigate such risks.

What is the benefit to Council?

Tools are in place to identify potential fraud and corruption, and to avoid serious embarrassment as a Council.

Policy Implications

An update of the Policy Manual to include Policy 3.29 – Fraud and Corruption Policy is required.

Statutory Implications

Local Government Act 1995 – Section 2.7(2)(b) Role of Council.

A key role of Council is to determine the local government's policies.

Local Government Act 1995 – Section 5.42 Delegation of some powers and duties to CEO.

In order for the CEO to carry out the duties and tasks contained within the policy, appropriate delegations need to be in place.

Local Government (Financial Management) Regulations 1996 – Regulations 5 and 11.

Strategic Implications

➤ **Strategic Community Plan**

Zone: Zone 4 – Communication and Leadership
Zone Statement: Merredin Council engages with its community and leads by example
Key Priority: 4.1 – Ensuring all planning, reporting and resourcing is in accordance with best practice, compliance and statutory requirements

➤ **Corporate Business Plan**

Key Action: 4.1.1 – Continue to update the Integrated Planning Framework, meet statutory requirements of the Local Government Act and regulations and regulatory obligations required under other regulations
Directorate: Corporate Services
Timeline: Ongoing

Sustainability Implications

➤ **Strategic Resource Plan**

Nil

➤ **Workforce Plan**

Directorate: Nil
Activity: Nil
Current Staff: Nil
Focus Area: Nil
Strategy Code: Nil
Strategy: Nil
Implications: Nil

Risk Implications

Fraud, corruption and other forms of misconduct are business risks that can be controlled by the application of Risk Management Principles and implementation of appropriate strategies and controls.

Whilst procurement activities are recognised as an area of high risk, attention must be given to all areas of business to maintain the highest standards of ethical behaviour.

The adoption of an effective Fraud and Corruption Policy, associated Control Plan and WALGA's self-audit toolkit will ensure the implementation of effective controls and encourage the reporting of suspect behaviours, and that those who do so can have their identity protected and are protected from reprisals in accordance with the *Public Interest Disclosure Act 2003*.

Financial Implications

Nil

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation / Resolution

Moved: Cr Willis

Seconded: Cr Crisafio

82309 That:

- 1. Policy 3.29 – Fraud and Corruption Policy, as presented in Attachment 14.5A, be adopted;**
- 2. the Fraud and Corruption Control Plan, as presented in Attachment 14.5B, be accepted; and**
- 3. WALGA's Integrity in Procurement Self-audit Toolkit, as presented in Attachment 14.5C, be noted, and the report be reviewed by the Audit Committee as required.**

CARRIED 9/0

14.6 Policy Manual Review – Policy 3.10 - Eric Hind Scholarship

<h2>Community Services</h2>		 SHIRE OF MERREDIN INNOVATING THE WHEATBELT
Responsible Officer:	Kellie Bartley, DCEO	
Author:	As above	
Legislation:	<i>Local Government Act 1995</i>	
File Reference:	Policy Manual	
Disclosure of Interest:	Nil	
Attachments:	<p>Attachment 14.6A – Policy 3.10 - Eric Hind Scholarship (Current)</p> <p>Attachment 14.6B – Policy 3.10 - Eric Hind Scholarship (Draft Changes)</p>	

Purpose of Report



Executive Decision



Legislative Requirement

Background

At its January 2019 Meeting, Council deferred this item with a request for further engagement to this policy. At its Briefing Session held on 5 February 2019 discussions were held with Elected Members.

Council last reviewed this policy in May 2018. Policy 3.10 - Eric Hind Scholarship provides the framework for the Scholarship which supports young talented musicians within the district.

Regular review of the Shire’s Policies is required to ensure their continued relevance and applicability. The review uses a range of methods to establish whether a policy works in practice and to determine the merit, or value of any improvements which could be made.

Applications were recently advertised with one application received.

Comment

Policy 3.10 – Eric Hind Scholarship is awarded annually in accordance with the guidelines set out in the policy.

The Policy aims to recognise and acknowledge Mr Eric Hind’s contributions to the Shire of Merredin as a Councillor, and his accomplishments as a violinist by offering an annual music scholarship to talented young music students within the Merredin Shire.

Community consultation was recently undertaken between the Shire's Community Liaison Officer and local schools – Merredin College and St Mary's Primary School to gauge interest. This consultation, and that there was no interest shown in applying, indicates the scholarship selection criteria requires amendment.

From the consultation undertaken, it was identified that the range of age group requires should be lowered. It is proposed to amend the current Selection Criteria point 3 – "*Applicant must be at least 11 years of age and under 20 years of age*". It provides an opportunity to include the lower the age school bracket from 7 years, as it will include students currently studying music in primary schools and aligns with the current school curriculum.

Further consultation was undertaken with Elected Members, and the policy's selection criteria were discussed. The following summarises the proposed changes to Council's current policy:

Selection Criteria Points

1. No change;
2. No change;
3. Applicants age lowered from 11 years to 7 years;
4. Years of learning of music changed from 2 years to 12 months;
5. No change;
6. Wording added for contribution to be considered should there not be a suitable candidate;
7. The word half changed to part;
8. No change;
9. New selection criteria added – feedback requested from the schools should the scholarship not be presented and it is distributed as a contribution;
10. New point number issued and no further changes;
11. New point number issued and deletion of a short report from the music teacher and "if applicable" inserted; and
12. New point number and no changes.

These amendments are indicated in the Attachment. Proposed policy revisions are shown as strike through for delegations and red font for additions.

Policy Implications

An update of Policy 3.10 – Eric Hind Scholarship is required.

Statutory Implications

Section 2.7(2)(b) of the *Local Government Act 1995* prescribes that a primary function of the Council is determining the Local Government's Policies.

Section 2.7(2)(b) of the *Local Government Act 1995* requires that Council determines obligations in the areas of policy development for the Shire.

“2.7 Role of Council

- (1) *The council —*
- a) *governs the local government’s affairs; and*
 - b) *is responsible for the performance of the local government’s functions.*
- (2) *Without limiting subsection (1), the council is to —*
- a) *oversee the allocation of the local government’s finances and resources; and*
 - b) *determine the local government’s policies.”*

Section 5.41(c) of the *Local Government Act 1995* prescribes that a function of the CEO is to cause Council’s decisions to be implemented and this includes giving effect to Council Policies.

	Strategic Implications
➤ Strategic Community Plan	

Zone: Zone 1 – Community and Culture
Zone Statement: Merredin is rich in cultural diversity, performing and fine arts and a variety of sports available for both residents and visitors
Key Priority: 1.6 – Supporting and strengthening community groups, organisations and volunteers

➤ Corporate Business Plan	
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Key Action: 1.6.1 - Support community groups to deliver activities and services to the Community effectively and sustainably
Directorate: Community Services
Timeline: 2018/19

	Sustainability Implications
➤ Strategic Resource Plan	

Nil

➤ Workforce Plan	
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Directorate: Nil
Activity: Nil
Current Staff: Nil
Focus Area: Nil
Strategy Code: Nil
Strategy: Nil
Implications: Nil

Risk Implications

The risk to the organisation is of low impact.

Financial Implications

There is a budgeted amount of \$1,000 for this Policy that has previously been approved in the adoption of the annual 2018/19 Budget.

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation / Resolution

Moved: Cr Flockart

Seconded: Cr Boehme

82310 That:

1. the amended Policy 3.10 - Eric Hind Scholarship, as presented in Attachment 14.6B, be adopted; and
2. the Chief Executive Officer be requested to advertise for applications for the Eric Hind Scholarship in accordance with the amended Selection Criteria.

CARRIED 8/1

Councillor Flockart declared an Impartiality Interest in this Item.

14.7 Policy Manual Review – Proposed Policy 3.30 - Donations and Loans – Merredin Regional Library

<h2>Community Services</h2>		 SHIRE OF MERREDIN INNOVATING THE WHEATBELT
Responsible Officer:	Kellie Bartley, DCEO	
Author:	As above	
Legislation:	<i>Local Government Act 1995</i>	
File Reference:	Policy Manual	
Disclosure of Interest:	Nil	
Attachments:	Attachment 14.7A – Proposed Policy 3.30 - Donations and Loans – Merredin Regional Library	

Purpose of Report

Executive Decision Legislative Requirement

Background

At its January 2019 Meeting, Council deferred this item with a request for further engagement to this policy. At its Briefing Session held on 5 February 2019 discussions were held with Elected Members.

The purpose of this policy is to bring the Merredin Regional Library in line with the Central Wheatbelt Visitor Centre and Cummins Theatre in regards to accepting donations and loans for the Library, excluding stock items. It includes items for the Local History Memorabilia Room which was funded by a Lotterywest grant.

The grant was received in 2017 to furnish the Memorabilia Room within the North Merredin Primary School Precinct. This space was created specifically to assist with the display of local history items and memorabilia within the district. The room includes a reading area as well as display cabinets for historical items.

Comment

The objectives are to work with the local museums and show rotating displays of items available at each of the museums with the view to encourage people to visit the main collections in the local museums.

The Merredin Library has a growing collection of local history including newspapers on microfilm, oral histories, local and sporting memorabilia, maps and other items that have not been easily accessible in the past due to the lack of display space at the previous Library.

The new policy will create a framework for accepting donations to the Merredin Regional Library and especially the Local History Memorabilia Room. The purpose is to collect, preserve, research, display and store objects of local historical significance to the Merredin region and its people.

The collection is to develop a resource of knowledge, stories and memories that inspire, educate, entertain and inform visitors and the community.

The policy outlines the guidelines for donations and loans that may be accepted by the Merredin Regional Library taking into consideration items that may be recommended to be forwarded to the other museums in Merredin.

Further consultation was held with Senior Management and Elected Members on 5 February 2019 to discuss the objectives and outcomes for this policy.

Key reasons: The library is often offered items either for the history collection or items such as shelving or items for temporary display. At present there is no policy governing this. Cummins Theatre and the Central Wheatbelt Visitor Centre both have a policy for such items. The policy offered is word for word the policy that has been endorsed for both facilities with the only changes being those that pertain to the library and not the other facilities.

What it covers: It only covers items offered for donation to the library itself (not the stock collection), the Memorabilia Room and items offered for temporary display (whether short or long term). It specifies that any items offered that belong in either the Merredin Museum and Historical Society Inc. or the Merredin Military Museum Inc. are not accepted but the donor is encouraged to take them to the either Museum. It does not cover items added to the main lending collection as an example books.

Operational needs: The library has limited guidelines to help make decisions made about what items are acceptable or not. It also brings the library in line with the other Shire facilities.

Benefit to the policy and for Council: It provides a guideline that can be followed by library staff whether or not there is a change in staffing. This allows for consistency in decision making.

The changes identified in the discussions with Elected Members was the following:

1. under Policy heading – delete the words to “excluding second hand stock items”; and
2. under Donations heading – Condition 2 – the wording to incorporate the library to consult with the Merredin Military Museum Inc. and the Merredin Museum and Historical Society Inc. to identify if it is of appropriateness to the history and relevance to each of the sites being Merredin Library, Merredin Museum and Historical Society Inc., Merredin Military Museum Inc. or any other historical representatives of the district.

These amendments are indicated in the Attachment. Proposed policy revisions are shown as strike through for deletions and red font for additions.

Policy Implications

Having this policy gives a reasonable guideline and approvals process for accepting of items under the policy at the Merredin Regional Library.

Statutory Implications

Section 2.7(2)(b) of the *Local Government Act 1995* prescribes that a primary function of the Council is determining the Local Government's Polices.

Section 2.7(2)(b) of the *Local Government Act 1995* requires that Council determines obligations in the areas of policy development for the Shire.

"2.7 Role of Council

- (1) *The council —*
 - a) *governs the local government's affairs; and*
 - b) *is responsible for the performance of the local government's functions.*
- (2) *Without limiting subsection (1), the council is to —*
 - a) *oversee the allocation of the local government's finances and resources; and*
 - b) *determine the local government's policies."*

Section 5.41(c) of the *Local Government Act 1995* prescribes that a function of the CEO is to cause Council's decisions to be implemented and this includes giving effect to Council Policies.

Strategic Implications

➤ Strategic Community Plan

Zone: Zone 1 – Community and Culture
Zone Statement: Merredin is rich in cultural diversity, performing and fine arts and a variety of sports available for both residents and visitors
Key Priority: 1.2 – Protecting and promoting the diverse culture and heritage of the Merredin region

➤ Corporate Business Plan

Key Action: 1.2.1 – Support the preservation and promotion of heritage buildings and significant sites to include artefacts and memorabilia
Directorate: Community Services
Timeline: 2018/19

Sustainability Implications

➤ Strategic Resource Plan

Nil

➤ **Workforce Plan**

Directorate: Nil
Activity: Nil
Current Staff: Nil
Focus Area: Nil
Strategy Code: Nil
Strategy: Nil
Implications: Nil

Risk Implications

This policy ensures that donations and loans to the Merredin Regional Library are correctly received and recorded in relevant registers.

Financial Implications

Nil

Voting Requirements

Simple Majority

Absolute Majority

Officer's Recommendation

That Policy 3.30 - Donations and Loans – Merredin Regional Library, as presented in Attachment 14.7A, be adopted.

Resolution

Moved: Cr Flockart

Seconded: Cr Crisafio

82311 That Policy 3.30 - Donations and Loans – Merredin Regional Library, as presented in Attachment 14.7A (with the amendment correcting the name of the Merredin Museum and Historical Society Inc.), be adopted.

CARRIED 9/0

Reason

To correctly identify the Merredin Museum and Historical Society Inc. as an incorporated body.

15. Officer’s Reports – Administration

Councillors Butler and Patroni declared an Impartiality Interest in this Item.

15.1 Reserve 17767 and Lot 1443, Merredin – Expressions of Interest to Lease

<h2>Administration</h2>		
Responsible Officer:	Greg Powell, CEO	
Author:	Vanessa Green, EA to CEO	
Legislation:	<i>Local Government Act 1995</i>	
File Reference:	R17767; A9702	
Disclosure of Interest:	Nil	
Attachments:	Attachment 15.1A – Submission	

Purpose of Report

- Executive Decision Legislative Requirement

Background

Reserve 17767 and Lot 1443 (formally Reserve 44697), being the area bounded by Golf Road, Telfer Avenue, Old Goldfields Road and McDonald Street, has been leased to the Merredin Men’s Shed (MMS) for the purposes of cropping and/or grazing since April 2012, determined through an expression of interest (EOI) process.

Council has considered this matter previously at its April 2012 meeting (CMRef 30856), February 2015 meeting (CMRef 81521), March 2015 meeting (CMRef 81538), and most recently at its January 2018 meeting where it resolved (CMRef 82114):

“That Reserve 17767 and Lot 1443, Merredin be leased to the Merredin Men’s Shed Inc. for a period of one year expiring at the end of February 2019 at a cost of \$400 per year for the purposes of cropping and/or grazing with the costs of preparing and maintaining firebreaks during fire season to be borne by the Merredin Men’s Shed Inc.”

With the lease expiring in February 2019, EOIs were again sought from community organisations for the lease of Reserve 17767 and Lot 1443.

As in previous years, EOIs were to acknowledge lease fees of at least \$200 per annum or better are applicable, the costs of preparing and maintaining firebreaks during fire season shall be borne by the Lessee and the term of the lease will be for 1 year.

The EOI was advertised in the West Australian on Wednesday 16 January 2019 and in the Phoenix on Friday 18 January 2019 and closed at 4pm on Friday 1 February 2019. 1 submission was received and is included in the Attachment.

Comment

As highlighted in the MMS's submission, the funds made from the sale of the grain from the land has enhanced the facilities provided by the MMS and had many benefits for the MMS members.

During the time the MMS has leased the land, staff are not aware of any complaints being received in relation to their conduct on the land, nor in relation to the management of fencing and firebreaks.

Being the only submission received, and due to the above community benefit factors, it is recommended that the MMS be allowed to continue with the lease of the land.

Policy Implications

Nil

Statutory Implications

Section 3.58 of the *Local Government Act 1995* is applicable. Regulations 22-24 of the *Local Government (Functions and General) Regulations 1996* are applicable.

Strategic Implications

➤ Strategic Community Plan

Zone: Zone 1 – Community and Culture
Zone Statement: Merredin is rich in cultural diversity, performing and fine arts and a variety of sports available for both residents and visitors
Key Priority: 1.6 – Supporting and strengthening community groups and volunteers

➤ Corporate Business Plan

Key Action: 1.6.1 – Support community groups to deliver activities and services to the community effectively and sustainably
Key Action: 1.6.2 – Support community groups that recognise and celebrate positive community achievements
Directorate: Community Services
Timeline: Ongoing

Sustainability Implications

➤ Strategic Resource Plan

Nil

➤ Workforce Plan

Directorate: Nil
Activity: Nil
Current Staff: Nil
Focus Area: Nil
Strategy Code: Nil
Strategy: Nil
Implications: Nil

Risk Implications

Nil

Financial Implications

Annual lease fees of \$400 per annum would be received.

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation / Resolution


Moved: Cr Crees

Seconded: Cr Crisafio

82312 That Reserve 17767 and Lot 1443, Merredin be leased to the Merredin Men's Shed Inc. for a period of one year expiring at the end of February 2020 at a cost of \$400 per year (\$200 per lot) for the purposes of cropping and/or grazing with the costs of preparing and maintaining firebreaks during the fire season to be borne by the Merredin Men's Shed Inc.

CARRIED 9/0

15.2 Submission to the Review of the Australian Citizenship Ceremonies Code

<h2>Administration</h2>		
Responsible Officer:	Greg Powell, CEO	
Author:	Vanessa Green, EA to CEO	
Legislation:	<i>Australian Citizenship Act 2007; Australian Citizenship Regulation 2016</i>	
File Reference:	CR/6/3	
Disclosure of Interest:	Nil	
Attachments:	Attachment 15.2A – Correspondence and Code	

Purpose of Report

Executive Decision Legislative Requirement

Background

Following an announcement by Prime Minister, the Hon Scott Morrison MP and Minister for Immigration, Citizenship and Multicultural Affairs, the Hon David Coleman MP correspondence has been received regarding proposed changes to the Australian Citizenship Ceremonies Code. This correspondence along with a copy of the new Code is attached for Council’s information.

The Minister is seeking feedback from local governments on the new Code. Feedback is required by 28 February 2019, where it will be collated and provided to the Minister.

Comment

As indicated in the correspondence there are 4 key changes, being:

1. Councils will be required to hold a citizenship ceremony on Australia Day (26 January) and Australian Citizenship Day (17 September);
2. Federal members of Parliament, if attending a ceremony, should read the Minister’s message at citizenship ceremonies;
3. there will be a recommended standard of dress for ceremonies, which will be set by Councils. The attire of attendees at citizenship ceremonies should reflect the significance of the occasion. Conferees may wear national or cultural dress if they wish; and
4. ceremonies must be scheduled to avoid parliamentary sitting days.

From the Administration's perspective the following comments can be made:

1. the requirement for a ceremony to be held on Australia Day may not be achievable in rural local governments with people often away on holidays at that time of year thus unable to attend and/or conduct the ceremony. Similarly, the date may not be suitable for the conferee should they wish to take the (often) long weekend away elsewhere. Obviously if no conferee in Merredin has been granted citizenship around the time of Australia Day there would be no ceremony;
2. ceremonies in Merredin are only held as and when they are required. Regular ceremony dates throughout the year are not set as the number of conferees for the district is sporadic, and there is no waitlist of conferees waiting for a ceremony. Similarly, the number of conferees at any ceremony is low (generally between 1-3) with large ceremonies of any more than 4-5 conferees a rarity;
3. the requirement that parliamentary sitting days must be avoided can be irrelevant in a rural local government where there is little or no likelihood of a Minister or Parliament Member's attendance. Should that requirement become mandatory Merredin would be unable to conduct ceremonies on the large majority of Council meeting days as they align with parliamentary sitting days. Holding the ceremonies on Council meeting days is the current preference as it enables the majority, if not all, Councillors to meet our new citizens and incorporates the ceremony into the formal nature of the overall day; and
4. the ceremony should take into consideration the wishes of the conferee(s) as to whether the ceremony is conducted publically or privately. For various reasons not all conferees wish to have a grand public ceremony (such as on Australia Day or in a similar public open space) and may prefer a more low-key, private approach to their ceremony.

As the conductor of the ceremonies, the President may wish to make additional comment.

Policy Implications

Policy 1.7 – Citizenship Ceremonies is applicable.

It could be anticipated that on implementation of the new Code an amendment to the policy would be required to include the recommended standard of dress for ceremonies, which is to be set by Councils.

Statutory Implications

The Australian Citizenship Ceremonies Code follows the *Australian Citizenship Act 2007* and the *Australian Citizenship Regulation 2016*, setting out the legal and other requirements for conducting citizenship ceremonies as well as the roles and responsibilities for those involved in citizenship ceremonies.

Strategic Implications

➤ Strategic Community Plan

Zone: Zone 4 – Communication and Leadership
Zone Statement: Merredin Council engages with its community and leads by example
Key Priority: 4.2 – Council engaging broadly and proactively with the community

➤ Corporate Business Plan

Key Action: 4.2.1 – Support Councillor engagement at functions and events
Directorate: Office of the CEO
Timeline: Ongoing

Sustainability Implications

➤ Strategic Resource Plan

Nil

➤ Workforce Plan

Directorate: Nil
Activity: Nil
Current Staff: Nil
Focus Area: Nil
Strategy Code: Nil
Strategy: Nil
Implications: Nil

Risk Implications

Nil

Financial Implications

Gift bags containing Australian and Shire gifts are provided to conferees at their ceremony with funds allocated at *E041110* Refreshments and Receptions in the 2018/19 Budget for this purpose.

Voting Requirements

Simple Majority

Absolute Majority

Officer's Recommendation / Resolution

Moved: Cr Boehme

Seconded: Cr Butler

82313 That the following comments be submitted to the Department of Home Affairs' review of the Australian Citizenship Ceremonies Code:

1. the requirement for a ceremony to be held on Australia Day may not be achievable in rural local governments with people often away on

holidays at that time of year thus unable to attend and/or conduct the ceremony. Similarly, the date may not be suitable for the conferee should they wish to take the (often) long weekend away elsewhere;

2. the requirement that parliamentary sitting days must be avoided can be irrelevant in a rural local government where there is little or no likelihood of a Minister or Parliament Member's attendance. Should that requirement become mandatory Merredin would be unable to conduct ceremonies on the large majority of Council meeting days as they align with parliamentary sitting days. Holding ceremonies on Council meeting days enables the majority, if not all, Councillors to meet our new citizens and incorporates the ceremony into the formal nature of the overall day; and
3. the ceremony should take into consideration the wishes of the conferee(s) as to whether the ceremony is conducted publically or privately. For various reasons not all conferees wish to have a grand public ceremony (such as on Australia Day or in a similar public open space) and may prefer a more low-key, private approach to their ceremony.

CARRIED 8/1

16. Motions of which Previous Notice has been given

Nil

17. Questions by Members of which Due Notice has been given

Nil

18. Urgent Business Approved by the Person Presiding or by Decision

Nil

19. Matters Behind Closed Doors

In accordance with Section 5.23(2)(a) of the *Local Government Act 1995* Council went Behind Closed Doors to discuss a matter affecting an employee.

Voting Requirements

Simple Majority

Absolute Majority

Resolution

Moved: Cr Boehme

Seconded: Cr Crisafio

82314 That Council move Behind Closed Doors at 3.38pm.

CARRIED 9/0

3.38pm – G Powell, CEO, K Bartley, DCEO, and V Green, EA to CEO, left the meeting and did not return.

Voting Requirements

Simple Majority

Absolute Majority

Resolution

Moved: Cr Boehme

Seconded: Cr Flockart

82315 That Council return from Behind Closed Doors at 4.46pm.

CARRIED 9/0

19.1 Staff – Chief Executive Officer – Performance Appraisal 2018

Voting Requirements

Simple Majority

Absolute Majority

Officer's Recommendation / Resolution

Moved: Cr Patroni

Seconded: Cr Crisafio

- 82316** That the Chief Executive Officer's Annual Appraisal Report be received and the overall performance rating as "Satisfactory" for the review period February 2018 to January 2019 be endorsed.

CARRIED 9/0

Voting Requirements

Simple Majority Absolute Majority

Resolution

Moved: Cr Flockart **Seconded:** Cr Willis

- 82317** That the amended Key Focus Areas and Actions for 2019, excluding Focus Area/Action 3 CBP Reference 2.1.2, be endorsed.

CARRIED 9/0

Voting Requirements

Simple Majority Absolute Majority

Resolution

Moved: Cr Flockart **Seconded:** Cr Crisafio

- 82318** That the next performance review for the Chief Executive Officer be scheduled to be completed by 28 February 2020. (The review process is to continue to include facilitation of interviews by an appointed consultant with Elected Members to obtain their feedback).

CARRIED 9/0

Voting Requirements

Simple Majority Absolute Majority

Officer's Recommendation / Resolution

Moved: Cr Crees **Seconded:** Cr Boehme

- 82319** That the Remuneration Report for the Chief Executive Officer be received.

CARRIED 9/0

Voting Requirements

Simple Majority Absolute Majority

Officer's Recommendation / Resolution

Moved: Cr Patroni **Seconded:** Cr Willis

82320 The Salaries and Allowances Tribunal Determination of 10 April 2018 (effective 1 July 2018) be noted.

CARRIED 9/0

Voting Requirements

Simple Majority Absolute Majority

Officer's Recommendation / Resolution

Moved: Cr Flockart **Seconded:** Cr Boehme

82321 That an increase to the Chief Executive Officer's total reward package of 1.3% effective from 5 January 2019 be authorised.

CARRIED 9/0

Voting Requirements

Simple Majority Absolute Majority

Officer's Recommendation / Resolution

Moved: Cr Crees **Seconded:** Cr Flockart

82322 That the next remuneration review for the Chief Executive Officer be scheduled to be completed by 28 February 2020.

CARRIED 9/0

Voting Requirements

Simple Majority Absolute Majority

Resolution

Moved: Cr Anderson **Seconded:** Cr Butler

82323 That the Chief Executive Officer be offered a new contract of one year effective from 1 January 2020 and Council finalise the details of the new contract.

CARRIED 5/4 BY ABSOLUTE MAJORITY

Councillors Boehme and Crisafio requested their vote in the negative be recorded.

20. Closure

There being no further business the President thanked those in attendance and declared the meeting closed at 5.03pm.